

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WESTERN TEXAS
AUSTIN DIVISION**

GRADY BOLTON

PLAINTIFF

1:17cv00077

V.

CITY OF AUSTIN, ET AL.

DEFENDANT

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AFFIDAVIT OF KIMBERLY M. BUSTOS

I Kimberly M. Bustos, hereby declare, under penalty of perjury, the following:

1. I am a Master Peace Officer with over 20 years of law enforcement experience.
2. I have worked as a patrol officer for the cities of Overton, Texas; Canton, Texas; Wills Point, Texas; and Seagoville, Texas.
3. I served as a Sergeant/Detective for the city of Seagoville, Texas.
4. I then went to work for the Office of the Attorney General as a State Police Officer in the Criminal Investigation Division. I began in the position of Sergeant, and then was promoted to Lieutenant and ultimately to the position of Captain.
5. I served as a Captain and as the Commander for the Internet Crimes Against Children division for three years.
6. In addition to the above, I worked as a private investigator for A.J. Keirn Investigations, LLC, from December 2015 to January 2018, at which time, I opened my own firm, PI Jak Investigations.
7. I also worked as a Commissioned Security Officer for Seton Hospital North West/Dell Children's in Austin, Texas in both 2016 and 2017.

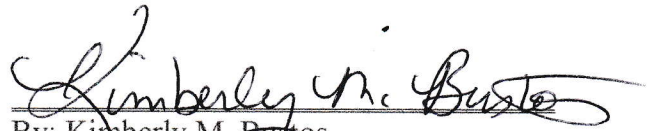
8. I obtained the position of Reserve Police Officer for Liberty Hill, Texas in November 2016, and continue to hold that position today.
9. In my career in law enforcement, I have studied and attended seminars on the issues of policies and procedures, use of force, Taser deployment, ASP certification, reasonable suspicion, probable cause, police supervision, law enforcement training, patrol procedures, constitutional law, firearms and officer safety.
10. I have also instructed classes in the areas of arrest, search and seizure, forensics, search warrants, investigations, evidence procedures and several other types of training.
11. I have security clearance from the Federal Bureau of Investigations, specialized SWAT training, including entry, weapons safety and takedowns. I have special weapons and tactics training, and a certificate for Advanced Hostage Negotiation.
12. Despite Defendants' contentions that I have not worked in large crowds, I have worked in a number of crowd control events. In addition to crowd control as a police officer, I have also worked private events. Some of those private events include the Austin Rodeo, Walmart on Black Friday, the Austin Republic of Texas Motorcycle Rally, University of Texas tailgate parties, parking lot security for various bars and grills, July 4th festivals, private security for Matthew McConaughey, and private security for Dorothy Paul.
13. In addition, although Seagoville, Texas appears to be a "small town", it is actually a suburb of Dallas and had a high crime rate during my tenure there from 1998 to 2004. City-Data.com reveals that Seagoville had a higher crime rate than the United States average in 2002, 2003, and 2004. It had a higher rate of rapes, burglaries, assaults and thefts than the United States Average in 2002, 2003, and 2004. It also had a higher rate of murder than the United States average in 2003. See <http://www.city->

data.com/crime/crime-Seagoville-Texas.html, a copy of which is attached hereto as

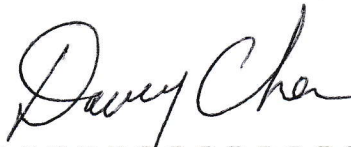
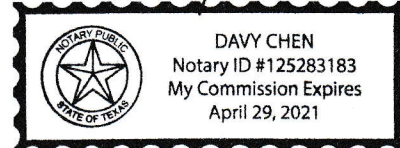
Exhibit A. My time spent working in this precinct gave me experience dealing with dangerous situations.

14. I have experience testifying before the grand jury for felony offenses when I worked in Seagoville and for child exploitation and human trafficking offenses when I worked for the Office of the Attorney General.
15. My opinion that the officers used excessive force is based on my experience as a law enforcement officer and my experience in crowd control. I have dealt with large, unruly, and drunk crowds a number of times. I understand what the Defendants were seeing and experiencing on Sixth Street on the night in question.
16. My opinion is also based on my review of the evidence, including the officers' reports, Interrogatories, Notice to Produce, Requests for Admissions, and the depositions of Michael Nguyen and Manuel Jimenez. I will note that I incorrectly advised Defendants' attorney that I did not review the Interrogatories, Notice to Produce and Requests for Admissions in this matter. This is only because although I am experienced and knowledgeable in the area of use of force and have testified in court, I am new to the legal terminology and did not understand what she was asking. I reviewed all of the documents in the Plaintiff's discovery folder, which was provided to me. However, the titles of those specific documents were new to me and I did not specifically remember them. I also reviewed all of the documents produced by Defendants and Plaintiff in this matter, including police reports and medical records.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 12th day of March, 2018.


By: Kimberly M. Bustos

State of Texas
County of Travis

 3/12/2018


submit

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/ [Seagoville main page \(/city/Seagoville-Texas.html\)](/city/Seagoville-Texas.html) / [US Crime \(index.html\)](index.html)

/ [Crime rate in Seagoville, Texas \(TX\)](#)

[Crime rate in Seagoville, Texas \(TX\): murders, rapes, robberies, assaults, burglaries, thefts, auto thefts, arson, law enforcement employees, police officers, crime map](#)

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Crime rates in Seagoville by year

Type	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Murders (per 100,000)	0 (0.0)	2 (17.8)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (8.4)	2 (16.5)	0 (0.0)	0 (0.0)
Rapes (per 100,000)	10 (88.5)	6 (53.3)	6 (53.6)	4 (35.5)	2 (17.5)	3 (26.2)	1 (8.4)	1 (8.2)	0 (0.0)	0 (0.0)
Robberies (per 100,000)	9 (79.6)	14 (124.3)	12 (107.1)	10 (88.9)	12 (105.0)	14 (122.2)	8 (67.4)	10 (82.4)	5 (40.2)	5 (40.2)

City-data.com crime index (higher means more crime, U.S. average = 280.5)	435.2	520.3	463.2	460.2	370.0	390.7	299.3	346.5	253.8	222.2
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Type	2002	2003	2004	2005	2006	2007	2008	2009	2010	20
Assaults (per 100,000)	32 (283.1)	34 (301.8)	36 (321.3)	42 (373.2)	24 (210.0)	28 (244.5)	19 (160.1)	20 (164.8)	8 (64.3)	(2)
Burglaries (per 100,000)	128 (1,132.3)	153 (1,358.1)	138 (1,231.7)	169 (1,501.8)	152 (1,330.2)	158 (1,379.7)	136 (1,146.0)	132 (1,087.9)	158 (1,270.5)	1 (96)
Thefts (per 100,000)	338 (2,990.1)	416 (3,692.5)	402 (3,588.0)	436 (3,874.5)	387 (3,386.7)	339 (2,960.2)	299 (2,519.6)	417 (3,436.9)	327 (2,629.5)	3 (2,0)
Auto thefts (per 100,000)	88 (778.5)	105 (932.0)	98 (874.7)	99 (879.8)	77 (673.8)	99 (864.5)	63 (530.9)	54 (445.1)	54 (434.2)	5 (36)
Arson (per 100,000)	0 (0.0)	1 (8.9)	2 (17.9)	1 (8.9)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	(0)
City- data.com crime index (higher means more crime, U.S. average = 280.5)	435.2	520.3	463.2	460.2	370.0	390.7	299.3	346.5	253.8	22

City-data.com crime rate counts serious crimes and violent crime more heavily. It adjusts for the number of visitors and daily workers commuting into cities.



According to our research of Texas and other state lists there **were 42 registered sex offenders** living in Seagoville, Texas (/so/so-Seagoville-Texas.html) as of March 12, 2018.

The ratio of number of residents in Seagoville to the number of sex offenders is 383 to 1.

Violent crime rate in 2012

Seagoville: 68.5
U.S. Average: 214.5

Property crime rate in 2012

Seagoville: 375.0
U.S. Average: 267.3

Violent crime rate in 2011

Seagoville: 66.0
U.S. Average: 214.1

Property crime rate in 2011

Seagoville: 350.6
U.S. Average: 273.5

Violent crime rate in 2010

Seagoville: 52.3
U.S. Average: 223.2

Property crime rate in 2010

Seagoville: 450.7
U.S. Average: 276.4

Violent crime rate in 2009

Seagoville: 164.8
U.S. Average: 238.0

Property crime rate in 2009

Seagoville: 456.2
U.S. Average: 285.6

Violent crime rate in 2008

Seagoville: 139.0
U.S. Average: 252.4

Property crime rate in 2008

Seagoville: 434.8
U.S. Average: 302.2

Violent crime rate in 2007

Seagoville: 209.6
U.S. Average: 259.7

Property crime rate in 2007

Seagoville: 553.6
U.S. Average: 309.2

Violent crime rate in 2006

Seagoville: 175.0
U.S. Average: 264.1

Property crime rate in 2006

Seagoville: 536.4
U.S. Average: 317.3

Violent crime rate in 2005

Seagoville: 266.6
U.S. Average: 258.9

Property crime rate in 2005

Seagoville: 626.1
U.S. Average: 322.3

Violent crime rate in 2004

Seagoville: 282.5
U.S. Average: 256.0

Property crime rate in 2004

Seagoville: 587.7
U.S. Average: 327.4

Violent crime rate in 2003

Seagoville: 318.5
U.S. Average: 262.6

Property crime rate in 2003

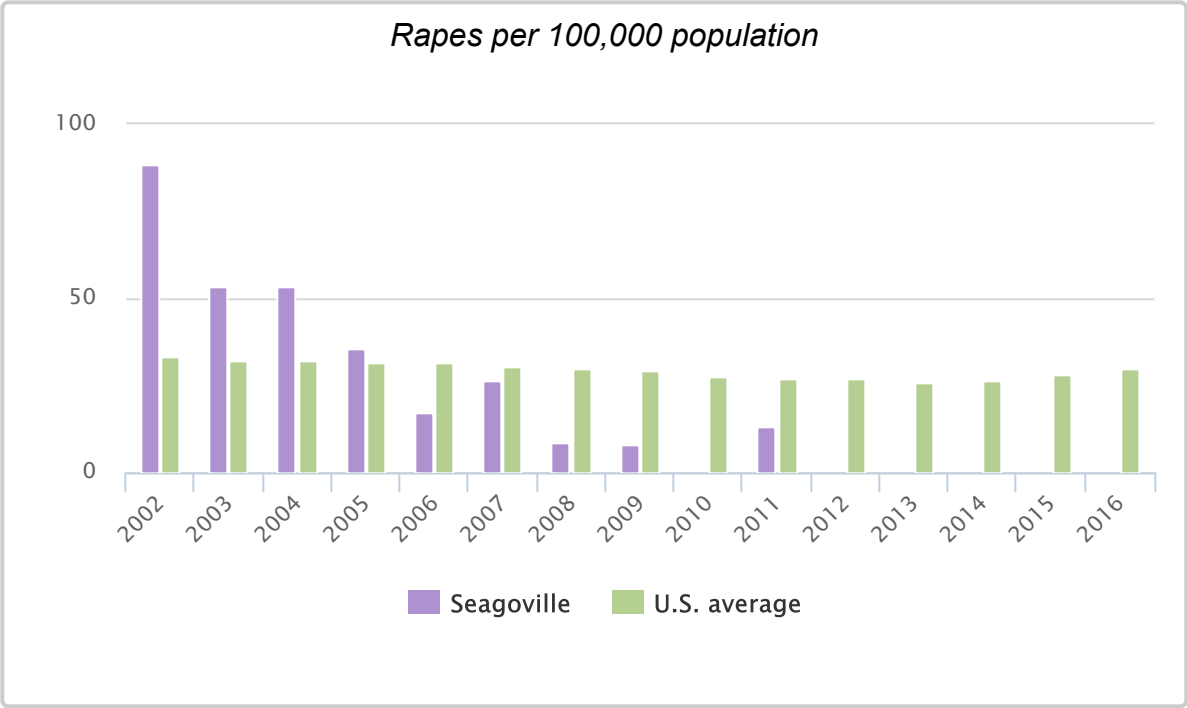
Seagoville: 628.9
U.S. Average: 334.1

Violent crime rate in 2002

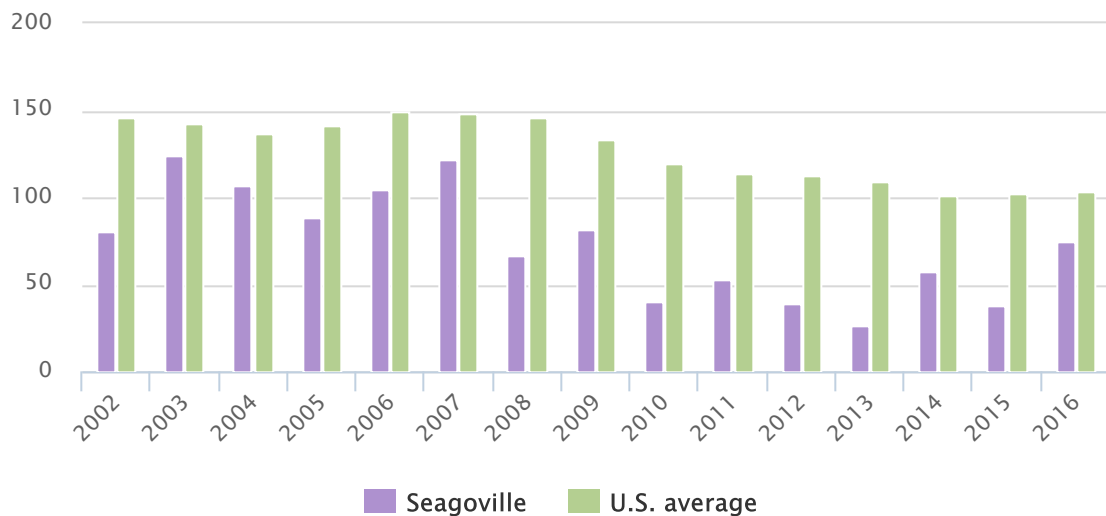
Seagoville: 284.7
U.S. Average: 272.2

Property crime rate in 2002

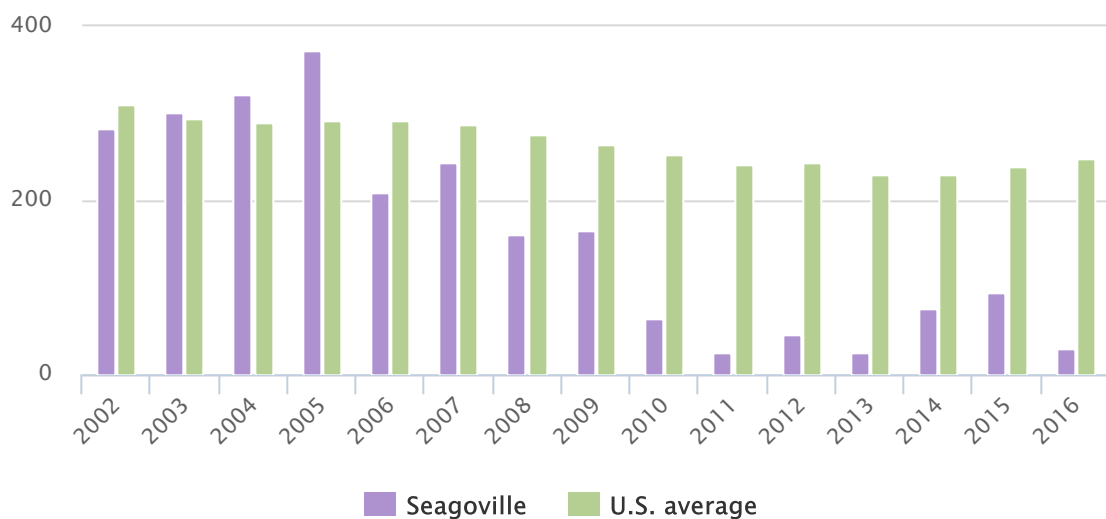
Seagoville: 519.9
U.S. Average: 336.9

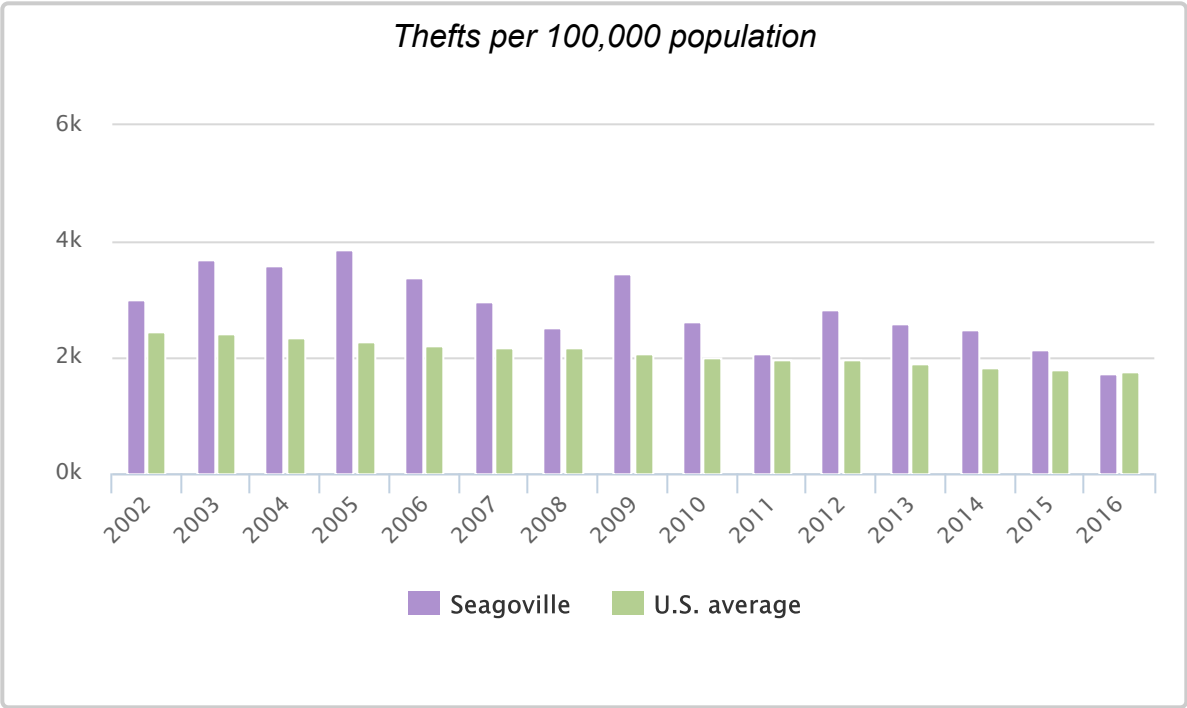
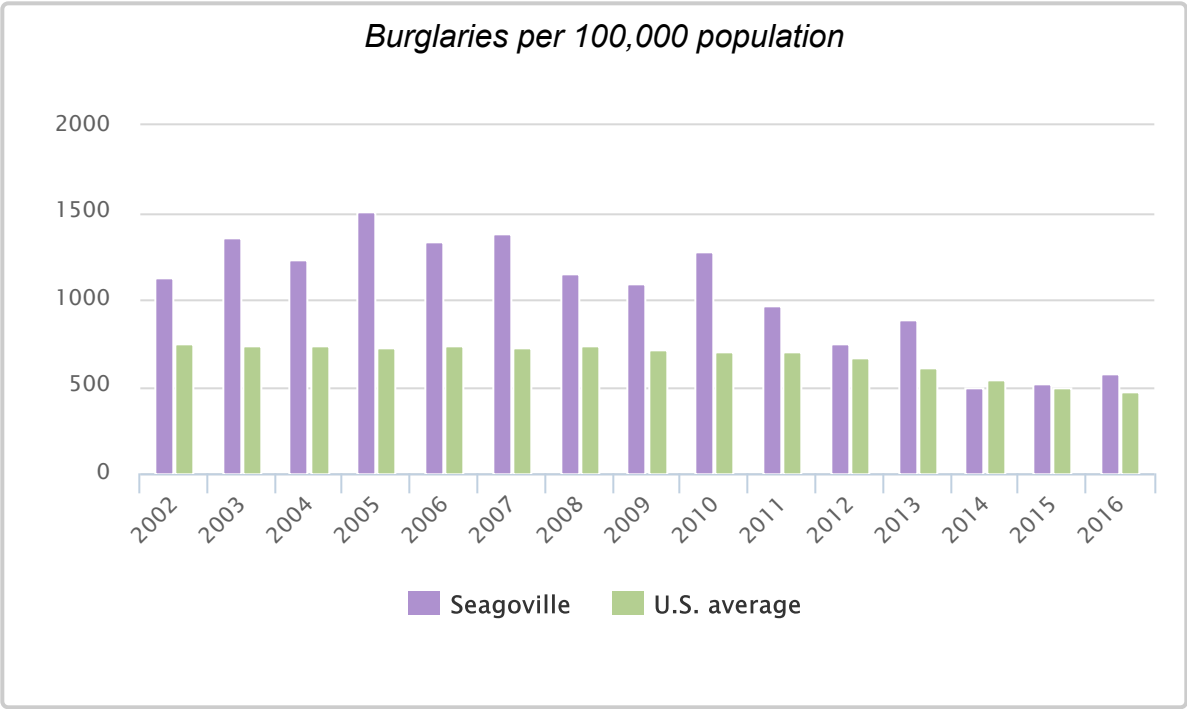


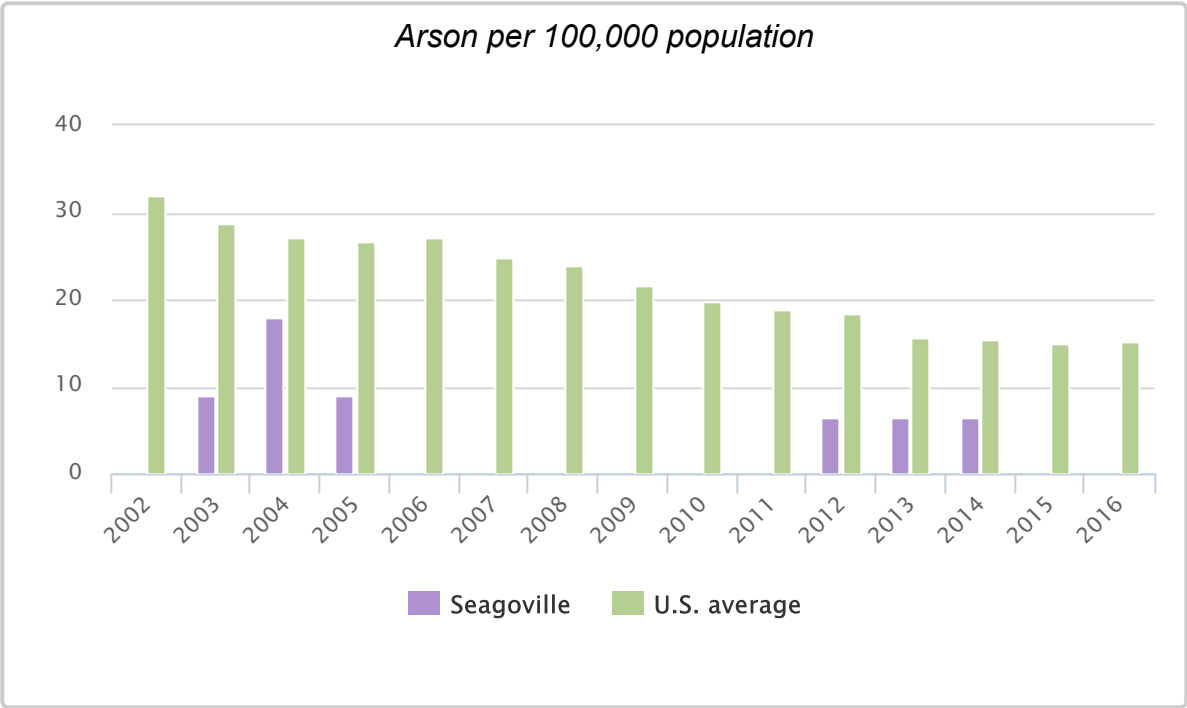
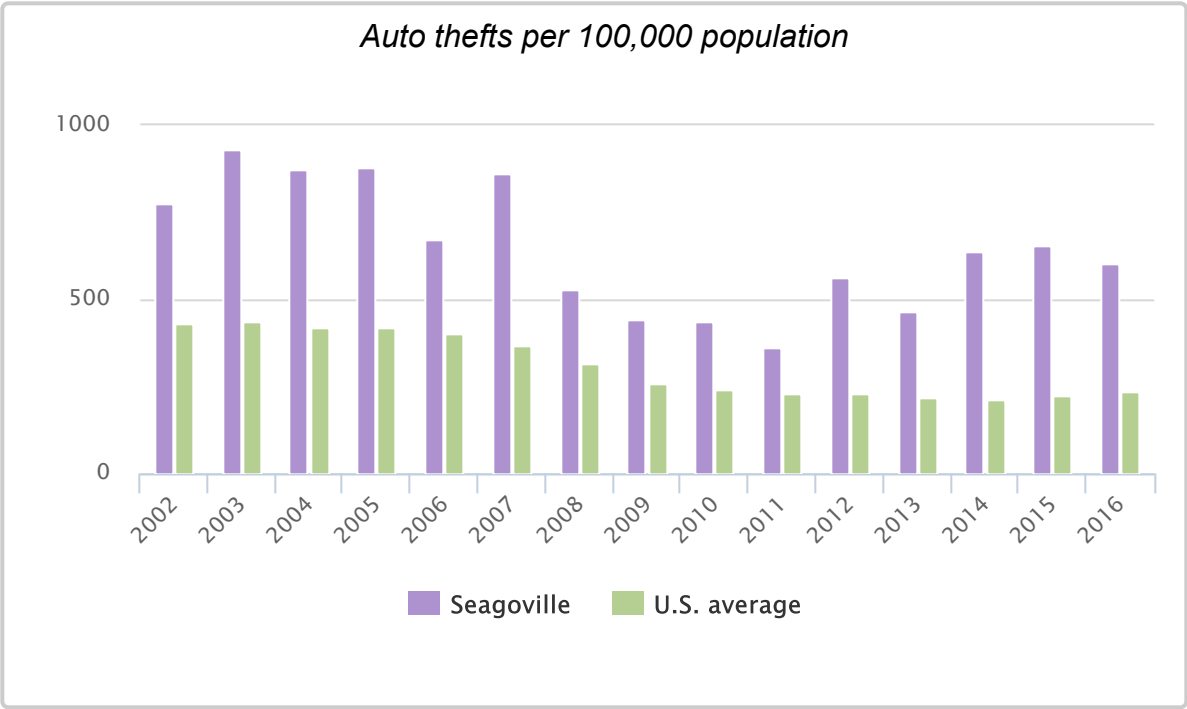
Robberies per 100,000 population

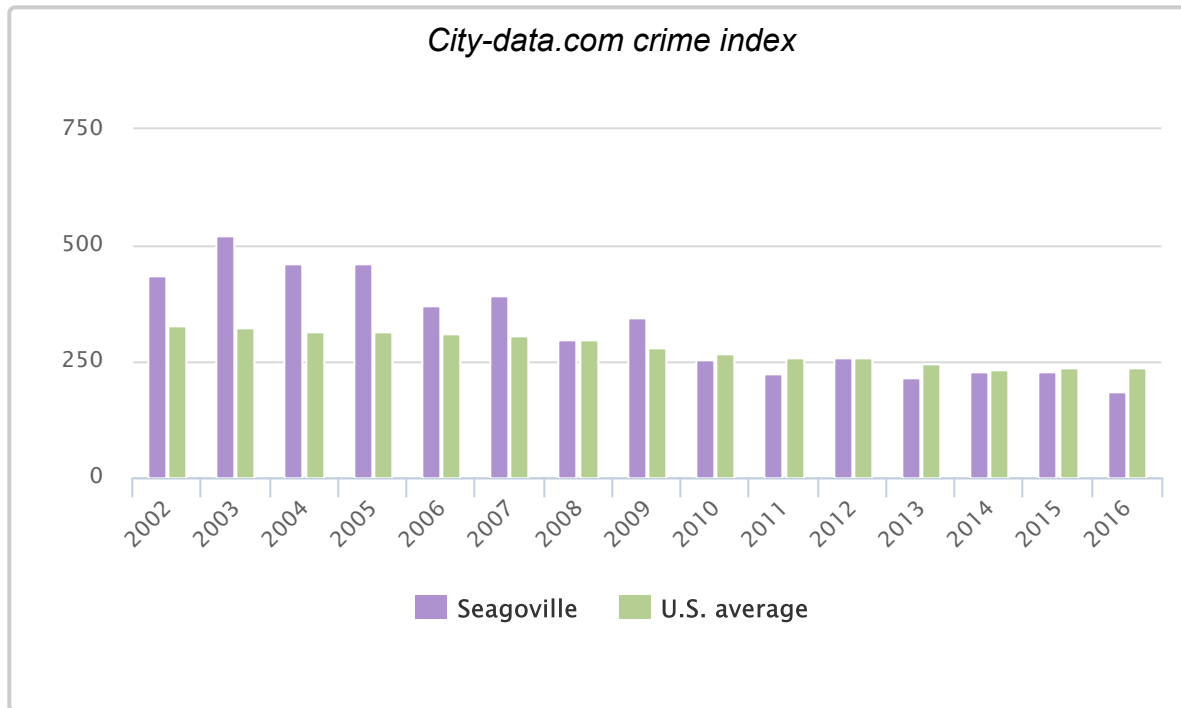


Assaults per 100,000 population









Full-time law enforcement employees in 2016, including police officers: 29 (20 officers).

Officers per 1,000 residents here: 1.24

Texas average: 1.80

Full-time law enforcement employees in 2015, including police officers: 32 (23 officers).

Officers per 1,000 residents here: 1.44

Texas average: 2.09

Full-time law enforcement employees in 2014, including police officers: 31 (22 officers).

Officers per 1,000 residents here: 1.40

Texas average: 2.02

Full-time law enforcement employees in 2013, including police officers: 29 (22 officers).

Officers per 1,000 residents here: 1.41

Texas average: 2.05

Full-time law enforcement employees in 2012, including police officers: 41 (29 officers).

Officers per 1,000 residents here: 1.89

Texas average: 1.95

Full-time law enforcement employees in 2011, including police officers: 29 (22 officers).

Officers per 1,000 residents here: 1.45

Texas average: 2.17

Full-time law enforcement employees in 2010, including police officers: 28 (21 officers).

Officers per 1,000 residents here: 1.69

Texas average: 2.20

Full-time law enforcement employees in 2009, including police officers: 29 (21 officers).
Officers per 1,000 residents here: 1.73
Texas average: 2.23

Full-time law enforcement employees in 2008, including police officers: 28 (20 officers).
Officers per 1,000 residents here: 1.69
Texas average: 2.17

Full-time law enforcement employees in 2007, including police officers: 27 (18 officers).
Officers per 1,000 residents here: 1.57
Texas average: 2.18

Full-time law enforcement employees in 2006, including police officers: 28 (20 officers).
Officers per 1,000 residents here: 1.85
Texas average: 2.13

Full-time law enforcement employees in 2005, including police officers: 29 (20 officers).
Officers per 1,000 residents here: 1.85
Texas average: 2.18

Full-time law enforcement employees in 2004, including police officers: 26 (19 officers).
Officers per 1,000 residents here: 1.76
Texas average: 2.19

Full-time law enforcement employees in 2003, including police officers: 23 (18 officers).
Officers per 1,000 residents here: 1.66
Texas average: 2.17

Full-time Law Enforcement Employees in Seagoville

Full-time Law Enforcement Employees (per 1,000 residents)

Full-time Law Enforcement Employees (per 1,000 residents) - Officers

Full-time Law Enforcement Employees (per 1,000 residents) - Civilians

2016

2015

2014

2013

2012

2011

2010

2009

2008

2007

2006

2005

2004

2003

2002

Crimes by type - 2016

Zip codes: [75159 \(/zips/75159.html\)](/zips/75159.html).



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